

Neifeld Docket No: PIP-69A-KATZ

**BPAI appeal docket no: 2008-5179.**

Application/Patent No: 09/776,714

USPTO CONFIRMATION NO: 2896

File/Issue Date: 2/6/2001

Inventor/Title: Gary M. KATZ/Method and System for Timing Promotions Based on a Prior Receipt of Promotions

Examiner/ArtUnit: ALVAREZ/3688

Entity status: LARGE

**37 CFR 1.7(c) FILING RECEIPT AND TRANSMITTAL LETTER WITH  
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

1. **THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES WHICH MAY BE REQUIRED, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NUMBER 50-2106.**

2. **FEES PAID HERewith BY EFS CREDIT CARD SUBMISSION: \$ 0**

**A. CLAIMS FEES**

\$ - ( claims previously paid for; currently present; \$52 per addl. claim over 20.)

\$ - ( independent previously paid for; currently present; \$220 per addl. claim over 3)

**B. OTHER FEES**

**FEE FOR NOTICE OF APPEAL AND FEE FOR APPEAL BRIEF, TOTALING \$: 1080**

3. **THE FOLLOWING DOCUMENTS ARE SUBMITTED HERewith:**

NOTICE OF APPEAL

APPEAL BRIEF

4. **FOR INTERNAL NEIFELD IP LAW, PC USE ONLY**

USPTO CHARGES \$: 0 CLIENT BILLING MATTER: PIP-69A-KATZ BANK ACCOUNT/Check: 6/ G/L ACCOUNT: 5010	FIRM CHARGES\$: 0 DESCRIPTION: FIRM CHARGE FOR . LAWYER:
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INITIALS OF PERSON WHO **ENTERED** ACCOUNTING DATA: RAN

ATTORNEY SIGNATURE (AUTHORIZING DEPOSIT ACCOUNT) /RichardNeifeld#35,299/

Printed: July 22, 2010 (1:06pm)

Richard Neifeld

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IP-69A-KATZ\_7-21-2010.wpd

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### **37 CFR 41.31 NOTICE OF APPEAL**

This is a notice of appeal. The applicant yet again appeal to the BPAI.

APPEAL FEES - The fees for appeal were previously paid as follows:

On 12/9/2008, the applicant filed a paper titled "AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 50-2106 \$80" for the difference between the \$1080 in appeals fees compare to the \$1000 in appeals fees paid with the original notice of appeal and original brief.

69 FR 49975 affirms the USPTO policy that no further appeal fees are required once they have been once paid in an application for which no BPAI decision exists. See 69 FR 49975 left hand column second full paragraph:

Answer: The comment will not be adopted. The rule making did not propose to change the current procedures in this area. Currently, once a Notice of Appeal and Appeal Brief fee has been paid in a proceeding, a second Notice of Appeal and

Appeal Brief fee will not be required except if a final Board decision has been made on the first appeal. For example, in an application for patent, a Notice of Appeal and Appeal Brief fees have been paid and the examiner reopens prosecution in a new Office action, new fees are not required for an applicant to appeal from that new Office action. Another example is in an application for patent, a Notice of Appeal and Appeal Brief fees have been paid and the Board in its decision makes a new ground of rejection and the applicant elects to reopen prosecution before the examiner, then new fees are required for an applicant to appeal from any new Office action by the examiner. The same procedures apply under the rules as implemented in this rule making.

**DATE:** 7-21-2010

/RichardNeifeld#35,299/

Richard Neifeld, Reg. No. 35,299

Attorney of record

RAN

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